

Seizures

Seizures of cigarettes or tobacco can occur for many reasons, including:

- Counterfeit, counterfeit-stamped, unstamped, or out-of-state stamped cigarettes.
- Cigarettes “Not for Sale in U.S.”
- Cigarettes not listed in the Attorney General’s CA Tobacco Directory.
- Untaxed Tobacco:
 - Products purchased from an unlicensed out-of-state supplier.
 - Products not supported by valid purchase invoices.



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Products will also be seized if:

- Cigarettes or tobacco products are sold while a cigarette and tobacco license is suspended or revoked.
- There is continued unlicensed sales of cigarettes or tobacco.

Note: Products seized for continued unlicensed sales or during a period of suspension or revocation are deemed forfeited to the state.



Top Two Reasons for Cigarette Seizures

- Unstamped cigarettes.
- Counterfeit stamped cigarettes.



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What happens if products are subject to seizure?

- The BOE inspector will take a physical inventory of what is to be seized and list the products seized on the *Receipt for Property Seized* form. The form includes:
 - Date and time of seizure
 - Name and signature of BOE inspector seizing the product
 - Name of the owner of items seized (i.e., sole proprietor, LLC, corporation, etc.) and business address where seizure occurred



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The *Receipt* also includes:

- Name of the person in control of the property (may be owner or employee), their address and signature.
- **Note:** Signing the Receipt does not waive any petition rights; it only confirms that what is listed on the seizure form is accurate.
- Details of items seized; this will include a description of the product, quantities of each, and the reason for the seizure.
- A copy of the *Receipt* will be provided at the time of the seizure.



BOE-1317 REV. 2 (7-05)
RECEIPT FOR PROPERTY SEIZED

STATE OF CALIFORNIA
BOARD OF EQUALIZATION

CERTIFICATION

As representative of the State Board of Equalization, I hereby certify that the items described below have been seized. You will receive a Notice of Seizure (BOE-1238) in the mail regarding this receipt from the Board of Equalization that will provide information about the seizure and your appeal rights.

DATE OF SEIZURE	TIME OF SEIZURE
BOARD REPRESENTATIVE'S NAME AND TITLE	SIGNATURE OF BOARD REPRESENTATIVE
OWNER OF ITEMS SEIZED (name and address)	
PERSON IN CONTROL OF PROPERTY (name and address)	
SIGNATURE OF PERSON IN CONTROL OF PROPERTY	
BUSINESS NAME AND ADDRESS OF PLACE OF SEIZURE	

DESCRIPTION OF ITEMS SEIZED	
QUANTITY	DESCRIPTION

ACKNOWLEDGMENT

<i>I acknowledge receipt of the above property.</i>		
NAME OF SUPERVISOR/EVIDENCE CUSTODIAN	SIGNATURE OF SUPERVISOR/EVIDENCE CUSTODIAN	DATE
A PETITION FOR RELEASE OR RECOVERY OF THE ABOVE PROPERTY WAS:		
<input type="checkbox"/> Not Filed <input type="checkbox"/> Denied		
<i>I approve destruction of the above property.</i>		
NAME OF SUPERVISOR	SIGNATURE OF SUPERVISOR	DATE
<i>I acknowledge receipt and certify the destruction of the above property.</i>		
MANNER OF DESTRUCTION		
NAME OF BOARD REPRESENTATIVE	SIGNATURE OF BOARD REPRESENTATIVE	DATE
NAME OF BOARD REPRESENTATIVE (witness)	SIGNATURE OF BOARD REPRESENTATIVE (witness)	DATE

White – Board of Equalization File Copy Canary – To Originator of BOE-1317 Pink – To Signatory

Seizures



When inspectors seize cigarette or tobacco products, the BOE is required to notify business owners in writing:

- That their product was seized.
- When it occurred.
- What was seized.
- Their petition rights.

This information is mailed to the business owner(s) with the *Notice of Seizure and Forfeiture*.

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The Notice will be mailed to:

- The business mailing address for sole proprietors.
- The business mailing address and personal residence of each partner in a partnership.
- The business mailing address and agent of service as listed with the Secretary of State for a corporation or LLC.

A petition form for the release of property seized is included with the *Notice*.



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To request the return of property seized, a Verified *Petition for Release or Recovery of Property* must be filed in writing within **20 days** from the date of the *Notice of Seizure and Forfeiture*.

Note: The Board of Equalization is not legally permitted to return seized cigarettes or tobacco products unless they were erroneously or illegally seized.



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- If cigarettes or tobacco products are seized due to continued “unlicensed” sales or sales during a period of suspension or revocation, a BOE-881, *Property Receipt* is issued.
- The inspector will fully explain the reason for this type of seizure.

Note: Products seized under these circumstances are deemed forfeited to the State and may not be petitioned for their return. Products legally forfeited to the State are not returnable.



Public Notice of Seizure

The BOE is required to publicly notice the seizure of cigarette or tobacco products when:

- The seizure is 61 or more cartons of cigarettes,
- The wholesale cost of tobacco products seized is equivalent to 61 cartons of cigarettes, or
- The combined value of cigarettes and tobacco products seized is equivalent to 61 cartons of cigarettes.

Notice of Seizure Website:

www.boe.ca.gov/news/seizurecigtoboprod.htm

What happens to seized product?



- Seized property is stored in a secured area as evidence.
- When the petition process is complete and no further action is necessary, the evidence custodian will destroy forfeited products.
- The time between seizure and destruction of property seized will vary depending on the circumstances of the seizure and/or length of petition process.